IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7916 of 2007
Date of Decision: 24.5.2007

Vinay Shivastva

Petitioner

versus

Presiding Officer and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Pankaj Middha, Advocate for the petitioner

Jasbir Singh, J. (Oral)

By filing this writ petition, challenge has been laid to the award dated 25.1.2006 (Annexure P/3), passed by the Industrial Tribunal-cum-Labour Court, Panipat, declining prayer of the petitioner, to reinstate him in service.

It is apparent from the records that the petitioner, by stating that his service was wrongly terminated on 29.6.1998, served a demand notice. When conciliation proceedings failed, dispute was referred to the Tribunal, for adjudication. On the basis of pleadings of the parties, issues were framed and parties were allowed to lead evidence and on perusal thereof, award, under challenge, was passed. It has come on record that the petitioner was absent from duty. He was asked to join duty by the management, by writing letters in that regard. He came to the office and stated that he is going to resign from the job and in fact, he tendered his resignation letter, which was accepted. Thereafter, he even raised a demand for payment of gratuity but as he was not eligible, the same was not paid to him. Resignation letter was brought on record. The petitioner failed to rebut the same, by producing any cogent evidence. It was his case that he

has not signed that resignation letter but to prove that fact, he has failed to examine any expert witness. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

May 24, 2007 **(Nirmal Yadav)**
gk **Judge**